

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

ROBERT ANTHONY HUBBARD

PLAINTIFF

v.

NO. 4:11CV83-P-S

WARDEN A. L. SMITH, ET AL.

DEFENDANTS

JUDGMENT

Upon consideration of the file and records in this action, including the Report and Recommendation of the United States Magistrate Judge dated August 25, 2011, and the September 6, 2011, objections to the Report and Recommendation, the court finds that the plaintiff's objections are without merit and that the Magistrate Judge's Report and Recommendation should be approved and adopted as the opinion of the court. It is, therefore

ORDERED:

1. That the Report and Recommendation of the United States Magistrate Judge dated August 25, 2011, is hereby **APPROVED AND ADOPTED** as the opinion of the court.
2. That the plaintiff's allegations against defendants Chief O. Edwards and Warden A. L. Smith are **DISMISSED** for failure to state a claim upon which relief could be granted.
3. That the plaintiff's claims against the remaining defendants will **PROCEED**.

THIS, the 15th day of September, 2011.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE